

ASSEMBLY BILL

No. 891

Introduced by Assembly Member DeVore

February 18, 2005

An act to amend Section 82048.4 of, and to add Section 84203.4 to, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 891, as introduced, DeVore. Political Reform Act of 1974: slate mailer organizations.

Existing law defines “slate mailer organization” and “committees” for purposes of the Political Reform Act of 1974. The act provides for 3 basic types of committees: those receiving contributions totaling \$1,000 or more in a calendar year, those making independent expenditures totaling \$1,000 or more in a calendar year, and those making contributions totaling \$10,000 or more in a calendar year to or at the behest of candidates or committees. The act provides, however, that the production and distribution of slate mailers by a slate mailer organization shall not be considered to be making a contribution or expenditure for purposes of determining if the slate mailer organization is a committee.

This bill would provide that the production and distribution of slate mailers by a slate mailer organization shall be considered a contribution, for purposes of a receiving committee’s duties only, to the extent that the value to a candidate benefiting from the slate mailer exceeds the payment received from that candidate’s controlled committees. This bill would require a slate mailer organization to inform a committee receiving a contribution of this type of the value of that contribution within 24 hours of the distribution of the slate

mailer, and would require the commission to adopt regulations providing an algorithm for determining that value.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing potential criminal penalties on persons who violate the provisions in this bill. It would also impose a state-mandated local program by making more candidates qualify for committee filing obligations under the act that are administered in some cases by local officials.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 82048.4 of the Government Code is
- 2 amended to read:
- 3 82048.4. (a) "Slate mailer organization" means, except as
- 4 provided in subdivision (b), any person who, directly or
- 5 indirectly, does all of the following:
- 6 (1) Is involved in the production of one or more slate mailers
- 7 and exercises control over the selection of the candidates and
- 8 measures to be supported or opposed in the slate mailers.

1 (2) Receives or is promised payments totaling five hundred
2 dollars (\$500) or more in a calendar year for the production of
3 one or more slate mailers.

4 (b) Notwithstanding subdivision (a), a slate mailer
5 organization shall not include any of the following:

6 (1) A candidate or officeholder or a candidate's or
7 officeholder's controlled committee.

8 (2) An official committee of any political party.

9 (3) A legislative caucus committee.

10 (4) A committee primarily formed to support or oppose a
11 candidate, officeholder, or ballot measure.

12 (c) The production and distribution of slate mailers by a slate
13 mailer organization shall not be considered making contributions
14 or expenditures for purposes of subdivision (b) or (c) of Section
15 82013 *except that, for purposes of the duties of a committee*
16 *pursuant to subdivision (a) of Section 82013 only, the production*
17 *and distribution of a slate mailer shall be considered a*
18 *contribution to the extent that the value to a candidate benefiting*
19 *from the slate mailer exceeds the payment received from that*
20 *candidate's controlled committees.* If a slate mailer organization
21 makes contributions or expenditures other than by producing or
22 distributing slate mailers, and it reports those contributions and
23 expenditures pursuant to Sections 84218 and 84219, no
24 additional campaign reports shall be required of the slate mailer
25 organization pursuant to Section 84200 or 84200.5.

26 SEC. 2. Section 84203.4 is added to the Government Code, to
27 read:

28 84203.4. (a) A slate mailer organization that distributes at
29 least one slate mailer containing communications benefiting a
30 candidate for which full value is not received from the
31 candidate's controlled committees shall notify the beneficiary in
32 writing of the amount of the excess value provided, which shall
33 be considered a contribution for purposes of the receiving
34 committee's obligations under this title. The notice shall be
35 received by the recipient within 24 hours of the time the slate
36 mailer is distributed.

37 (b) The commission shall adopt regulations that shall provide
38 an algorithm for a slate mailer organization to determine the full
39 value of a slate mailer communication benefiting a candidate.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution for
3 certain costs that may be incurred by a local agency or school
4 district because, in that regard, this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

10 However, if the Commission on State Mandates determines
11 that this act contains other costs mandated by the state,
12 reimbursement to local agencies and school districts for those
13 costs shall be made pursuant to Part 7 (commencing with Section
14 17500) of Division 4 of Title 2 of the Government Code.

15 SEC. 4. The Legislature finds and declares that the provisions
16 of this act further the purposes of the Political Reform Act of
17 1974 within the meaning of subdivision (a) of Section 81012 of
18 the Government Code.